

not used

Exhibit # _____

C. Doc. # 1396

Translated by
Defense Language Branch

Opium and Narcotic Control in China
(Foreign Office Ordinance No.8, 1, October 1928)

Article I

The cultivation of poppies for the production of opium, the production of raw opium the importation to or exportation from China and the purchase or sale, receipt or donation, possession or the possession with a view to re-sale of raw opium or poppy seeds is prohibited.

Article II

It is prohibited to import to or export from China opium paste or apparatus for the smoking of opium paste.

Article III

It is forbidden to import into China morphine, cocaine, and their salts or syringes, needles, or other instruments necessary for the use of the above drugs; unless in accordance with the regulations of China concerning morphine or the prohibition and for control of the importation of cocaine recognised by the Japanese Minister to China and with the permission of the appropriate Japanese consul. This rule, however, will not apply in cases where China, as a result of agreement with other countries, has decided to adopt other measures.

Article IV

Except in cases provided for in this ordinance the manufacture, importation into China, the exportation from that country, the purchase or sale, the receipt or donation the possession or the possession with a view to sale of morphine, cocaine or their salts or syringes, needles or other instruments necessary for their use is prohibited.

Article V

Doctors, dentists, veterinarians, druggists, or pharmacists, who in accordance with Article III import morphine, cocaine or their salts or syringes, needles or other instruments for the use of those drugs will report the fact to the Japanese consul officially connected with their place of business within fifteen days after the arrival of the imported article.

Those who have transferred in the articles above stated from outside the jurisdiction of the Imperial Consul connected with their place of business or who have transferred them outside that jurisdiction also will observe the preceding article.

Article VI

Pharmacists and druggists are prohibited from or giving morphine, cocaine, or their salts or, syringes, needles, or

Def. Doc. # 1396

other instruments necessary for the use of the said medicines, to doctors, dentists, veterinarians, druggists, and apothecaries or to officially recognized foreigners of these occupations, without receiving certificates of purchase recognized by the appropriate Japanese consul. This rule, however, is not applicable in the case in which of a druggist compounds, sells, or gives morphine, cocaine and or their salts to doctors, dentists, veterinarians or recognized foreigners of these occupations, according to their prescriptions.

It is required to write the name, quantity and the purpose of using the medicine together with the date, name, address and occupation of the purchaser on the above-mentioned certificate of purchase and also to stamp his seal on to it. When one obtains by transfer the articles of the first paragraph from a recognized foreign druggist or pharmacist the transferee is also to come under the jurisdiction of the paragraph I.

Article VII

The certificate or the prescription mentioned in the previous article must be kept for three years from the date of issue.

Article VIII

Doctors, dentists, veterinarians, pharmacists or druggist must distinguish morphia, cocaine and their salts from other drugs and keep them in a place under lock and key. Regardless of Clause 1 of Article VI, druggists are forbidden from selling or giving the above-mentioned articles, unless as they are in sealed legally vessels.

Article IX

Doctors, dentists, veterinarians, pharmacists or druggists must prepare a book and record the consumption, purchase and sale or gift and receipt of morphia, cocaine and their salts, syringes, needles and other instruments necessary for the use of these drugs, and must keep this book for three years from the date of entry.

The appropriate Japanese Consul shall have the power to examine this record or the actual articles.

Article X

When morphia, cocaine, their salts, syringes, needles and other instruments necessary for the use of these drugs become useless on account of damage deterioration or any other causes, doctors, dentists, veterinarians pharmacists

Def. Doc. # 1396

or druggists are required to record the name and quantity of the article, and to report same to the appropriate Imperial Consul with the actual articles.

As to the disposal of the articles in the preceding paragraph, they must be in accordance with the direction of the appropriate Imperial Consul.

Article XI

Doctors, dentists, veterinarians, pharmacists and druggists are required to make a yearly list of receipts and disbursements of morphia, cocaine, their salts, syringes, needles and other instruments necessary for the use of the said drugs and to furnish the report to the competent Japanese Consul by the end of the following January.

Article XII

The competent Japanese consul may issue orders recognized to be necessary from the point of view of superintendence concerning the form of the book dealing with the consumption, buying, selling, giving and receiving of morphia, cocaine, their salts, syringes, needles and other instruments necessary for the use of the same drugs.

Article XIII

Those who act contrary to the ordinances of Article I

Def. Doc. # 1396

to Article IV inclusive, are to be given less than 3-month's jail sentence, or to be fined less than 100 yen.

An attempted crime under the preceding paragraph shall be punished.

Article XIV

Those who violate the ordinance of Article VI are also to come under the first paragraph of the preceding article.

Article XV

Even in the case of those who are not Japanese having acted contrary to the ordinance of Article I to Article IV inclusive, any Japanese who has aided or abetted him shall be punished as an abettor or accessory to the crime under Article XIII.

Article XVI

Articles connected with actions contrary to the ordinance of Article I to Article IV except when their seizure has been ordered by the court will be seized and disposed of as an administrative measure.

Article XVII

Those who act contrary to the ordinance of Article V or Article VII to Article XI inclusive, or who make false reports

Def. Doc. # 1396

or notifications, or refuse to produce examination the book or the actual articles shall be fined less than 100 yen or confined or punished with a fine.

Article XVIII

Those who act contrary to the orders issued according to the ordinance of Article XII shall be detained or punished with a fine.

Article XIX

In the case of a druggist who is a minor or of a person under interdict the penal laws of Article XIV, XVII or XVIII shall be applied to the statutory representative. This rule, however, is not applicable in the case of such minors having the same ability as an adult in connection with their trade.

Article XX

Doctors, dentists, veterinarians, pharmacists or apothecaries are not immune from punishment when their representatives, head of the family, families, co-residents, employees or other workers act contrary to this ordinance or to orders issued in accordance with this ordinance concerning their trade, even though they themselves may not have given them any direction.

Article XXI

In case of representatives, employees or the other workers of a corporation acting contrary to this ordinance or to orders concerning the trade of their corporation issued in accordance therewith, the penal laws are to be applicable to the representative.

Article XXII

Article III to Article XVIII inclusive of the ordinance will apply to the following drugs: --

- a. Medicinal Opium;
- b. Di-acetyl morphine, ethyl morphine codeine, thebain other derivatives of morphine as well as their salts.
- c. Wagonin and the derivative of Wagonin (except cocaine) and their salts.
- d. The above-mentioned Morphia, Cocaine, and drugs containing Opium. (the so-called anti-opium drugs included).
- e. Indian hemp and its resin as well as drugs made from them.
- f. Stvain and other drugs to be specified by the Japanese Consul.

Def. Doc. # 1396

Attached Rules:

This ordinance shall be enforced from the day of its promulgation.

This ordinance can be applied only to the district where the Japanese Consul can exercise jurisdiction with the exception of the South Manchurian Railway zone.

Def. Doc. # 1396

CERTIFICATE OF SOURCE AND AUTHENTICITY

I, HAYASHI, Kaoru, who occupy the post of the Chief
of the Archives Section of the Foreign Office, hereby
certify that the document hereto attached, written in
Japanese, consisting of 9 pages and entitled "Opium and
Narcotic Control Ordinance in China (Foreign Office Ordinance)" is an exact and authorized excerpt from an official
document in the custody of Japanese Government (Foreign
office).

Certified at Tokyo,
on this 4th day of April, 1947.

/s/ HAYASHI, Kaoru (seal)

I hereby certify that the above signature and seal were
affixed hereto in the presence of the Witness.

At the same place,
on this same date.

Witness: /s/ URABE, Katsuma (seal)

支那ニ於ケル阿片及麻醉劑取締令

(昭和三年十月一日外務省令第八號)

第一條

阿片ヲ製造スル目的ヲ以テ罂粟ヲ栽培シ、生阿片ヲ製造シ又ハ罂粟子若ハ生阿片ヲ支那國ニ輸入シ、同國ヨリ輸出シ、賣買シ、授受シ、所有シ若ハ販賣ノ目的ヲ以テ所持スルコトヲ得ズ

第二條

阿片煙膏又ハ阿片煙膏ヲ吸食スル器具ヲ支那國ニ輸入シ又ハ同國ヨリ輸出スルコトヲ得ズ

第三條

「モルヒネ」、「コカイン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種器械ハ在支帝國公使ノ承認シタル支那國ノ「モルヒネ」ニ關スル規則又ハ「コカイン」輸入禁止及取扱規則ニ違ヒ所轄帝國領事官ノ許可ヲ受クルニ非ザレバ之ヲ支那國ニ輸入スルコトヲ得ズ但シ支那國ガ別國トノ取極ニ依リ別段ノ手續ニ依ルコトヲ定メタル場合

ニ於テハ此ノ限ニ在ラズ

第四條

本令ニ規定スル場合ヲ除キ「モルヒネ」、「コカイン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種器械ヲ製造シ、支那國ニ輸入シ、同國ヨリ輸出シ、賣買シ、授受シ、所有シ又ハ販賣ノ目的ヲ以テ所持スルコトヲ得ズ

第五條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ニシテ第三條ノ規定ニ違ヒ「モルヒネ」、「コカイン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種器械ヲ輸入シタル者ハ輸入品到着後十五日以内ニ業務所ヲ管轄スル帝國領事官ニ届出ヅベシ

前項ノ物品ヲ業務所ヲ管轄スル帝國領事官ノ管外ヨリ移入シ又ハ管外ニ移出シタル者亦前項ノ例ニ依ル

第六條

藥劑師又ハ藥種商ハ醫師、齒科醫師、獸醫師、藥劑師若ハ藥種商又ハ公認セラレタル外國人ノ醫師、齒科醫師、獸醫師、藥劑師若ハ藥職商ヨリ所轄帝國領事官ノ認證ヲ受ケタル買受證書ヲ徵スルニ非ザレバ「モルヒネ」、
「コカイン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種器械ヲ販賣シ又ハ授與スルコトヲ得ズ但シ藥劑師ガ醫師齒科醫師若ハ獸醫師又ハ公認セラレタル外國人ノ醫師、齒科醫師若ハ獸醫師ノ處方箋ニ依リ「モルヒネ」、
「コカイン」及其ノ鹽類ヲ調劑シ、販賣シ又ハ授與スル場合ハ此ノ限ニ在ラズ

前項ノ買受證書ニ品名、數量、使用ノ目的、年月日、買受人ノ業務所、職業、氏名ヲ記載シ捺印スルヲ要ス

公認セラレタル外國人ノ藥劑師又ハ藥種商ヨリ第一項ノ物品ヲ讓受ケタル場合ニ於テモ讓受人ニ付第一項ノ規定ヲ準用ス

第七條

前條ノ買受證書又ハ處方箋ハ其ノ日附ヨリ三年間之ヲ保存スベシ

第八條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ハ「モルヒネ」、「コカイ
ン」及其ノ鹽類ヲ他ノ藥品ト區別シ鎖鑰ヲ備ヘタル場所ニ貯藏スベシ
第六條第一項ノ規定ニ拘ラズ藥種商ハ道法ニ封緘シタル容器ノ蓋ニ非サ
レバ前項ノ物品ヲ販賣又ハ授與スルコトヲ得ス

第九條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ハ一定ノ帳簿ヲ備ヘ「モル
ヒネ」、「コカイン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使
用上ニ要スル同種器械ノ消費、賣買又ハ授受ヲ記載シ之ヲ其ノ日附ヨリ
三年間保存スベシ

所轄帝國領事官ハ前項ノ帳簿又ニ現品ヲ検査スルコトヲ得

第十條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ハ「モルヒネ」、「コカイ
ン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種
器械ガ變敗其ノ他ノ事故ニ因リ使用ニ堪ヘザルニ至リタルトキハ其ノ品
名及數量ヲ記シ現品ヲ添ヘ所轄帝國領事官ニ届出ヅベシ

前項ノ物品ノ處分ニ付テハ所轄帝國領事官ノ指揮ヲ受クベシ

第十一條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ハ「モルヒネ」、「コカイ
ン」及其ノ鹽類又ハ其ノ注射器、針其ノ他同藥品ノ使用上ニ要スル同種
器械ノ一年間ニ於ケル受拂表ヲ作成シ翌年一月末日迄ニ所轄帝國領事官
ニ届出ヅベシ

第十二條

所轄帝國領事官ハ「モルヒネ」、「コカイン」及其ノ鹽類又ハ其ノ注射
器、針其ノ他同藥品ノ使用上ニ要スル同種器械ノ消費、賣買及收受ニ關
スル帳簿ノ様式其ノ他ニ關シ取締上必要ト認ムル事項ヲ營業者ニ命令ス
ルコトヲ得

第十三條

第一條乃至第四條ノ規定ニ違反シタル者ハ三月以下ノ懲役又ハ百圓以下
ノ罰金ニ處ス

前項ノ未遂罪ハ之ヲ罰ス

第十四條

第六條ノ規定ニ違反シタル者亦前條第一項ニ同ジ

第十五條

帝國臣民ニ非ザル者第一條乃至第四條ノ規定ニ觸ル行爲ヲ爲シタルトキト雖モ帝國臣民之ヲ教唆又ハ幫助シタルトキハ第十三條ノ罪ノ教唆又ハ從犯トシテ處斷ス

第十六條

第一條乃至第四條ノ規定ニ違反シタル行爲ニ係ル物ハ裁判ニ依リ沒收スル場合ヲ除キ行政處分ヲ以テ之ヲ領置又ハ沒取スルコトヲ得

第十七條

第五條又ハ第七條乃至第十一條ノ規定ニ違反シ又ハ虛偽ノ届出若ハ記載ヲ爲シ又ハ帳簿若ハ現品ノ検査ヲ拒ミタルモノハ百圓以下ノ罰金又ハ拘留若ハ科料ニ處ス

第十八條

第十二條ノ規定ニ基キ發スル命令ニ違反シタル者ハ拘留又ハ科料ニ處ス

第十九條

藥種商未成年者又ハ禁治産者ナルトキハ第十四條、第十七條又ハ第十八條ノ罰則ハ之ヲ法定代理人ニ適用スル但シ其ノ營業ニ關シ成年者ト同一ノ能力ヲ有スル未成年者ニ付テハ此ノ限ニ在ラズ

第二十條

醫師、齒科醫師、獸醫師、藥劑師又ハ藥種商ハ其ノ代理人、戸主、家族同居人、雇人其ノ他ノ從業者ニシテ其ノ業務ニ關シ本令又ハ本令ニ基キ發スル命令ニ違反シタルトキハ自己ノ指揮ニ出デザルノ故ヲ以テ處罰ヲ免ルルコトヲ得ズ

第二十一條

法人ノ代表者又ハ其ノ雇人其ノ他ノ從業者法人ノ業務ニ關シ本令又ハ本令ニ基キ發スル命令ニ違反シタルトキハ本令ノ罰則ハ其ノ代表者ニ之ヲ適用ス

第二十二條

第三條乃至第十八條ノ規定ハ左記各號ノ藥品ニ對シ之ヲ準用ス

一 藥用阿片

ニ「デアセチールモルヒネ」、「エチールモルヒネ」、「コデイン」
「テバイン」及其ノ他「モルヒネ」誘導體竝ニ此等ノ鹽類
三「エクゴニン」及「エクゴニン」誘導體（「コカイン」ヲ除ク）竝
ニ此等ノ鹽類

四 前各號ノ藥品「モルヒネ」、「コカイン」及阿片ヲ含有スル製劑

（所謂戒烟劑ヲ含ム）

五 印度大麻及其ノ樹脂竝ニ此等ノ製劑

六「ストヴァイン」其ノ他帝國領事官ガ特ニ指定セルモノ

附 則

本令ハ公布ノ日ヨリ之ヲ施行ス

本令ハ南滿洲鐵道附屬地ヲ除キ帝國領事官ガ裁判權ヲ行使スルコトヲ得
ル地方ニ限り之ヲ施行ス

Dei Dou 1396

文書ノ出所並ニ成立ニ關スル證明書

自分、林縣ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添付セラレタル
日本語ニ依ツテ書カレ九日ヨリ成ル文書ニ於ケル阿片及麻酔劑取締令ト
題スル書類ハ日本政府（外務省）ノ保管ニ係ル公文書ノ正確ニシテ眞實
ナル爲シナルコトヲ證明ス

昭和二十二年四月四日 於 東京

林

縣

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日 於 同 所

立會人

浦 部 勝 崎